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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,770	04/12/2007	Declan Patrick Kelly	NL040011	1308

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER
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SAINT CYR, JEAN D

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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09/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,770	<b>Applicant(s)</b> KELLY ET AL.	
	<b>Examiner</b> JEAN D. SAINT CYR	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 9, 10,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner et al in view of Seo et al, US No. 20020147975.

Re claim 1, Kenner et al disclose providing a communication network comprising a plurality of mutually interconnected network nodes(the copies of the clip exist on servers local to each user's region, and in general, are transmitted across fewer network nodes for each download, paragraph 152) susceptible to storing programme data content(When a new video clip is received, the PIM 22 must first determine which extended or remote SRU 26 or 38 will store the audio-visual information, col.15, lines 59-61; that means video and data can be stored at the node) and at least one of electronic programme guides(video guide" can be integrated with the information stored on the user's local SRU 51, paragraph 129) and associated meta-data thereat(whereby video clips and text information, stored locally and at a remote location, can be requested and viewed at a user's multimedia terminal, paragraph 25; that means metadata is stored in SRU too);

providing at least one user-operable node coupled to the network(see fig.1, user terminal) , the at least one user-operable node including user-interfacing means for receiving instructions from a user(a user first builds a request at the user's terminal, col.4, line 54 ) and presenting results to the user(the requested video satisfying the user

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query are displayed at the user's terminal, col.5, lines 17-18).

But Kenner et al did not explicitly disclose arranging for the plurality of network nodes and/or the at least one user- operable node to access electronic programme guide (EPG) data and/or associated meta- data providing a record of at least previous programme data content communicated within the network ;

presenting one or more electronic programme guides (EPG) to the user for generating therefrom a search request susceptible to utilizing meta-data associated with the one or more electronic programme guides (EPG) for use in identifying corresponding data content available in the network ; and

receiving at the at least one user-operable node data content corresponding to the search request.

However, Seo et al disclose arranging for the plurality of network nodes and/or the at least one user- operable node to access electronic programme guide (EPG) data and/or associated meta- data providing a record of at least previous programme data content communicated within the network (The EPG server engine 111 stores the EPG information in the EPG database 112, and provides the EPG information to the TV clients as well. At this time, in the EPG database 112 are stored both the present broadcasting program schedule and the past broadcasting program schedule, 0035);

presenting one or more electronic programme guides to the user for generating therefrom a search request susceptible to utilizing meta-data associated with the one or more electronic programme guides (EPG) for use in identifying corresponding data content available in the network(if the program is requested from the user, the EPG client engine 131 searches the EPG client database 132, and informs the user of the EPG information on the program) ; and

receiving at the at least one user-operable node data content corresponding to the search request(the PSS server engine 113 searches the PSS usage database 114, and provides a result of search to the TV clients, 0036; that means provide a search result to the user).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to modify the system of Kenner to introduce providing search result to the user and receiving information about past program, as taught by Seo, for the benefit of giving more opportunities to users.

Re claim 3, Kenner et al disclose wherein the user-operable node augments the electronic programme guides (EPG) and/or their associated meta-data including data pertaining to past programme data content for use in determining location data indicative of whether the programme data content is available locally in the at least one user-operable node or in the plurality of nodes of the network(see fig.1, local SRU; this information is used during terminal queries to determine which video are stored locally, col.9, lines 7-8) .

Re claim 4, Kenner et al disclose wherein the presented EPG relating to previously broadcast programme data content broadcast is presented to the user, preferably in a GUI format (the browser extension 84 can be instructed to add graphical objects, text, or other controls to the display, Paragraph 193), with an indication of which programme data content is known to be stored locally or within the network.

Re claim 5, Kenner et al disclose wherein the electronic programme data (EPG) relating to previously communicated programme data content within the network searched in response to the search request corresponds to programme data content communicated not more than a pre-defined period, preferably 1 month, prior to issuance of the search request from the at least one user-operable node(the search and update

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logic of the local SRU 51, discussed above, can delete some of the least-recently-used clips already stored to make room for the new data. 0149; that means old information will not display because the system keeps updating and deleting least-recently-used data).

Re claim 6, Kenner et al disclose wherein the network is arranged to include at least one data server for providing data relating to electronic programme guides (EPG) and/or programme data content(The copies of the clip exist on servers local to each user's region, and in general, are transmitted across fewer network nodes for each download, Paragraph 152).

Re claim 7, Kenner et al disclose wherein at least a subset of the electronic programme guide (EPG) data and/or its associated meta-data and/or programme data content are Stored in mutually different parts of the network (requested video may be stored and retrieved at various locations in the system, accessible at different speed, col.5, lines 23-26; that means one video may be stored in different servers).

Re claim 9, Kenner et al disclose wherein at least one of the network nodes and the at least one user-operable node each include a hard disc drive for storing programme data content and/or electronic programme guide data therein (a local SRU 18 include large capacity hard drives, such as 1, 2 or 5 gigabyte hard drives, high speed optical drives, RAID devices, and other media capable of storing locally a reasonable complement of video clips for ready access and manipulation, Paragraph 12).

Re claim 10, see rejection on claim 1.

Re claim 12, see rejection on claim 1.

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Claims 2, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner in view of Seo further in view of Girard et al, US No. 5751282.

Re claim 2, Kenner et al did not explicitly disclose wherein the network is arranged to have stored therein electronic programme guide data (EPG) corresponding to previously communicated programme data content as well as present and future programme data content to be communicated through the network.

However Girard et al disclose wherein the network is arranged to have stored therein electronic programme guide data (EPG) corresponding to previously communicated programme data content as well as present and future programme data content to be communicated through the network(current, past and future program, col.5, lines 57-62).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the system of Kenner with the system of Girard for the purpose of allowing users to see EPG program corresponding to current, past and future program.

Re claim 11, see rejection on claim 2.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner in view of Seo further in view of Vincent et al, US No. 20020165979

Re claim 8, Kenner et al did not explicitly disclose wherein the network nodes are configured in a manner of a peer-to-peer network.

However, Vincent et al disclose peer-to-peer connections that form a decentralized viral-type resource sharing network, 0034.

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It would have been obvious for any person of ordinary skill in the art to introduce peer to peer into the system of Kenner for the purpose of allowing users to share data easily.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

Jean Duclos Saintcyr



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